

REMARKS

Claims 1-93 are pending.

I. The Restriction Requirement and Applicant's Provisional Election

The Examiner required restriction, under 35 U.S.C. §§ 121, 372, and considers the application to contain separate and distinct inventions, directed to 8 groups designated Groups I-VIII as these inventions or groups of inventions allegedly are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Additionally, the Examiner believes the application contains claims directed to more than one species of the generic invention. The species also allegedly are not so linked as to form a single general inventive concept under PCT Rule 13.1. Therefore, the Examiner believes the following species must be elected: the components of the core and outer coating of the delayed burst release venlafaxine formulation. See Office Action, p. 4.

In response, Applicants hereby elect, with traverse, Group VI, claims 89-90, drawn to a method for providing a therapeutic blood plasma concentration of venlafaxine. Applicants also elect, with traverse, the species provided in Tables 1-3 for the venlafaxine formulations. These formulations provide the components requested for the core and outer coating by the Office.

Applicants note that upon allowance of any linking claims, the restriction requirement as to the linked inventions shall be withdrawn and any claims depending from or otherwise requiring all of the limitations of the allowable linking claims will be rejoined and fully examined for patentability in accordance with 37 C.F.R. 1.104.

II. The Search Of Groups VI-VIII Is Not Unduly Burdensome

Applicants also traverse the restriction requirement on the grounds that the search and examination of Groups VI-VIII is not unduly burdensome. According to MPEP section 803 "if a search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent and distinct inventions." Applicants suggest that examination of Groups VII-VIII, directed to methods utilizing venlafaxine formulations similar to Group VI, can be made without serious

burden and it is respectfully requested that the claims of Groups VII-VIII be rejoined with the claims of Group VI.

III. Conclusion

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

If there are any fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 19-0741. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should be charged to our Deposit Account.

Respectfully submitted,

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